

## Scianni, Melissa

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**From:** Brush, Jason  
**Sent:** Thursday, February 19, 2015 6:53 PM  
**To:** Evans, David  
**Subject:** RE: AX response on Cargill matter

Thanks for your messages, Dave. I appreciate your help. I've conferred with Regional Counsel and I expect to have a draft on the RA's desk tomorrow, likely to go out early next week. - Jason

**Jason A. Brush**  
**Supervisor, Wetlands Section**  
**U.S. Environmental Protection Agency, Region 9**  
**75 Hawthorne Street (WTR-2-4)**  
**San Francisco, CA 94105**  
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**desk: 415.972.3483**  
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**From:** Evans, David  
**Sent:** Thursday, February 19, 2015 5:24 AM  
**To:** Brush, Jason  
**Subject:** RE: Request for direction on AX response on Cargill matter, due tomorrow

Will look into this and be back in touch soon as I can today.

Dave

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**From:** Brush, Jason  
**Sent:** Wednesday, February 18, 2015 6:50 PM  
**To:** Evans, David  
**Subject:** Request for direction on AX response on Cargill matter, due tomorrow

Hi Dave – I spoke with Mindy at length last week regarding the AX on this matter that was reprogrammed to the Region for response, and my belief that such a regional response would be unproductive at best. I asked that she confirm that OW indeed wants the Region to reply to questions the Region cannot answer, however artfully. Can you please provide me with more definitive direction than Mindy's "impression" below? Happy to discuss by phone. The deadline is tomorrow, but I'd rather be late than wrong. Thanks - Jason

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**From:** Eisenberg, Mindy  
**Sent:** Wednesday, February 18, 2015 3:33 PM  
**To:** Brush, Jason  
**Subject:** Re: 2-11-15 transcript E&W Appropriations Subcommittee

My impression is that you all should respond.

Sent from my iPhone

On Feb 18, 2015, at 6:26 PM, "Brush, Jason" <[Brush.Jason@epa.gov](mailto:Brush.Jason@epa.gov)> wrote:

Have you heard back from OW yet on remand of the AX to the Region?

**Jason A. Brush**

**Supervisor, Wetlands Section**

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**From:** Eisenberg, Mindy

**Sent:** Wednesday, February 18, 2015 2:57 PM

**To:** Brush, Jason

**Subject:** FW: 2-11-15 transcript E&W Appropriations Subcommittee

FYI

Mindy Eisenberg

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**From:** Evans, David

**Sent:** Wednesday, February 18, 2015 7:52 AM

**To:** Best-Wong, Benita; Goodin, John; Kaiser, Russell; Downing, Donna;

Eisenberg, Mindy

**Subject:** FW: 2-11-15 transcript E&W Appropriations Subcommittee

Interesting exchange on Cargill at Corps Approps Hearing.

Dave

Sent from my Windows Phone

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**From:** [David Lewis](#)

**Sent:** 2/17/2015 11:53 PM

**To:** [Evans, David](#)

**Subject:** FW: 2-11-15 transcript E&W Appropriations Subcommittee

FYI – thought this would be of interest. - David

<http://www.cq.com/alertmatch/232840064?0&uid=congressionaltranscripts-4624227>

Senate Energy & Water Appropriations Subcommittee Hearing

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Feb. 11 2015

Budget Hearing: U.S. Army Corps of Engineers and Bureau of Reclamation

Witnesses:

Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works

Lieutenant General Thomas P. Bostick, Chief of Engineers for the U.S. Army Corps of Engineers

...

«FEINSTEIN»:

... I'm going to hold you to your word, General. Thank you. Now, while I have you, it's come to my attention that the Corps is performing some type of wetlands evaluation pertaining to salt ponds in the north end of San Francisco Bay, near the port of Redwood City. I discussed with one of the generals this morning. Apparently, these salt ponds are to be considered for some type of potential development, and the press has said that the Army Corps is about ready to say that certain parts of the bay, behind a dike, are not waters of the United States. It's my understanding that that differs with EPA. It's a highly sensitive matter and I would appreciate knowing what the Corps' position is. I intend to go down there and take look myself next week.

BOSTICK:

We haven't - we haven't come to a conclusion at this point. We're working with the EPA on jurisdiction, and General Peabody has been out there. He's going out again next week, himself, and will look at several sites and have an opportunity to talk about this, but we are working very closely with EPA and Justice to make sure that we come to the appropriate conclusion on the way ahead.

«FEINSTEIN»:

Well, I - I would hope you would work with me. I'm kind of the mother of that whole salt ponds situation. I got the funding. I got the state money. I got the private money to buy the land for Cargill. And I know exactly what has been planned, and I'm very concerned about this. What makes our whole area is the bay, and we do not want it filled.

BOSTICK:

We will absolutely work with you.

«FEINSTEIN»:

And I had the pleasure of speaking with General Peabody. Next week, it's my intention to come down there on Tuesday, general, at 11 o'clock. So, I'll take a look for myself. Thank you.

BOSTICK:

We will absolutely work closely with you on this, senator.

«FEINSTEIN»:

Thank you very much.